

Spearfish City Council



Regular Session Minutes

Date:
August 1, 2011

The Spearfish City Council met in Regular Session in the Council Chambers of the Municipal Services Centre at 6:30 PM on Monday, August 1, 2011 with the following members present: Aaker, Baker, Geppert, Morgan, Schmit and Young. Also present: City Administrator Neeb, Finance Officer Dutton, City Planner Watson, Police Chief Rotert, Fire Chief White, Public Works Administrator Johnson, Environmental Services Manager Callaway, Human Resource Director Friedel, Legal Intern Davis and City Attorney Pluimer. Mayor Krambeck presided and called the meeting to order.

Executive Session – Young moved, Morgan seconded and all voted to adjourn to Executive Session for legal counsel regarding contractual matters pursuant to SDCL 1-25-2 (3) at 6:31 PM.

Council returned from Executive Session at 7:06 PM. All stood and recited the Pledge of Allegiance.

Order of Business – Morgan moved, Young seconded and all voted to approve the Order of Business.

Consent Agenda – Schmit moved, Geppert seconded and all voted to approve the Consent Agenda:

A. Approve the following Brown Bag Permit Requests:

FACILITY	APPLICANT	EVENT	DATE
Hudson Hall	Deb Cebulski	80th B'day Party	9/2/11
Indian Springs Gazebo	Jodi Preszler	Wedding Toasting	9/2/11
Indian Springs Gazebo	Eric Oertell	Wedding Toasting	9/4/11
Pavilion	Jodi Preszler	Wedding Rehearsal & Reception	9/1&2/11
Pavilion	Kellie Kulseth	Wedding Reception	9/9/11
Pavilion	Tara Weldon	Wedding Reception	9/10/11
Snappers Club	Crystal Frasier	Wedding Reception	9/2/11
Snappers Club	Deb Cebulski	80th B'day Party	9/3/11
Snappers Club	Robert Slocum	Wedding Reception	9/4/11
Snappers Club	Autumn Strand	Birthday Party	9/9/11
Snappers Club	Renee Fearon	Wedding Reception	9/10/11
Snappers Club	Ralph & Mona Huck	Family Reunion	9/23,24,25/11

South Shelter	Jason Thorman	Wedding Reception	9/16/11
Center Shelter	Jesse Wolber	Wedding Reception	9/5/11
Center Shelter	Ashley Oldenkamp	Wedding Reception	9/17/11
Salem Shelter	Ainsworth Benning	Company Picnic	9/24/11
Pavilion	Perry Jewett	Dakota 5-0	9/3/11
Center Shelter	Delores Holso	Family Gathering	8/13/11
Jorgensen Shelter	Linda Wiley	Friends Reunion	8/21/11

B. Approve Minutes of Regular Session of July 18, 2011.

ITEMS FROM VISITORS

Funding Request - Jane Klug from BHSU Student Services requests \$1,850.00 (11% of total cost) to assist with the Green & Gold (Orientation) Activities. The plan includes a community campus fair for new students and the community on campus on Sunday, August 28th and a downtown party for the new students and the community on Hudson Street between Main St. and 7th Street on Monday, August 29th from noon to 2 PM. The stage will be set up on Hudson Street near Common Grounds and they request approval for street closure. BHSU is also working with DBA to make this event happen. Aaker moved, Morgan seconded and all voted to approve the street closure and to donate \$1,000 to the event.

Dakota 5-0 - Perry Jewett with Ridge Riders discussed this year's Dakota Five-O Race/Ride/Tour event on September 3rd and 4th. This is the 11th year of the event and sold out with a cap of 700 riders. Registration and social is at the Pavilion on Saturday, September 3rd and the event will occur on Sunday, September 4th. Mr. Jewett requests approval for an open container permit on Sunday, September 4th from 1:00 PM to 5:30 PM within 50' of the Pavilion, Bandshell or Middle Picnic Shelter. Beverages from Crow Peak Brewing Company will be served will be in an enclosed area, roped off and canopied (public hearing follows). Geppert moved, Young seconded and all voted to approve the open container permit in the park on Sunday, September 4th.

HEARINGS

Public Hearing – Mayor Krambeck opened a public hearing at 7:13PM to consider an application made by Josh Fritz of Crow Peak Brewing Company for a Special Malt Beverage Retailers License on September 3rd from 3PM-10PM at the Pavilion and on Sunday September 4th from 1 PM to 5:30PM in City Park in the open container area for the Dakota 5-0 event. There were no oral or written comments and the public hearing was closed at 7:13 PM. Schmit moved, Young seconded and all voted to approve the Special Malt Beverage Retailers License for Crow Peak Brewing Company.

Public Hearing - Mayor Krambeck opened a public hearing at 7:16 PM to consider an application from Holiday Inn Convention Center for a Special On-Sale Liquor License for the September 17, 2011 wedding at the Pavilion from 5 PM-midnight. There were no oral or written comments and the public hearing was closed. Young moved, Morgan seconded and all voted to approve the Special on-sale liquor license.

Public Hearing – A public hearing was continued from July 18, 2011 regarding a zoning amendment to change zoning at 609 Nellie Lane from R-1 Single Family to Ag. City Planner Watson answered some of the questions from the previous public hearing:

- 1) Ag and R-1 regarding the sale of garden produce – With Ag zoning, crops can be raised for primary commercial use and sold on site. With R-1 zoning, garden produce can be raised with primary use being home use.
- 2) Minimum lot size required for Ag zoning – one acre and one single-family dwelling is allowed per acre.
- 3) Use of wells – annexation study and follow up letter prepared by then Mayor Fred Romkema indicated that people are permitted to use their existing wells for domestic use after annexation and connection to municipal water is not mandatory. State statutes also permit property owners within city limits to own, maintain and drill wells for their own private use provided they follow regulations and permitting governed by DENR.

City Administrator Neeb provided comment given to him by Rock O'Rourke, neighbor, who stated his is not opposed to the change to Ag zoning for the property and thanks the council for their decision to not allow the previous conditional use permit as requested. There were no further comments and the public hearing was closed at 7:19 PM. Schmidt moved, Young seconded and all voted to approve second reading of Ordinance 1139 – A zoning amendment to change zoning at 609 Nellie Lane from R-1 Single Family to Ag.

HUMAN RESOURCES

Library Hire – Young moved, Morgan seconded and all voted to hire the following Library Page positions effective August 2, 2011: Tonya Wenzel – (Federal Work study – 70% of wages paid by BHSU) Grade 1, Step 1, 8.13 per hour; Maria Steckline – Grade 1, Step 1, \$8.13 per hour; Rachel Williams – Grade 1, Step 1, \$8.13 per hour.

BIDS AND PROPOSALS

Fencing – Public Works Administrator Johnson stated that we are obligated to provide fencing at the GF&P leased land at the mouth of Spearfish Canyon per our lease agreement. Three requests for proposals were sent out with one proposal returned. Young moved, Morgan seconded and all voted to accept the proposal from Rushmore Fencing Company for \$14,795.95 to fence 3,000 feet on the west boundary of the GF&P leased land at the mouth of Spearfish Canyon. The fence will be four strand barbless.

Bid – One sealed bid was opened for the Package Liquor License. Baker moved, Aaker seconded and all voted to award bid to WalMart for \$100,000 for a Package Liquor License.

RESOLUTIONS AND ORDINANCES

Resolution 2011-24 – Young moved, Morgan seconded and all voted to approve Resolution 2011-24 - A Resolution amending Resolution 2006-13 – S.E.R.F. Loan. This amendment amends the purposes and uses of the S.E.R.F Loan fund.

RESOLUTION 2011-24

A RESOLUTION AMENDING RESOLUTIONS NUMBER 1992-16, 1993-10, 1997-20, 1998-23, 2001-22, AND 2006-13 ESTABLISHING THE CRITERIA, STANDARDS, AND

**POLICIES OF THE SPEARFISH ECONOMIC DEVELOPMENT REVOLVING FUND
(SERF).**

WHEREAS, the criteria, standards, and policies of the Spearfish Economic Revolving Fund were adopted by the Spearfish City Council by resolution on March 2, 1992 and amended by resolution on February 16, 1993; June 2, 1997; June 1, 1998; June 18, 2001; and April 17, 2006; and

WHEREAS, it is deemed to be in the best interest of the City of Spearfish that the foregoing resolutions be further amended to expand the purposes to which loan funds may be applied.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Spearfish that Resolutions Number 1992-16, 1993-10, 1997-20, 1998-23, 2001-22, and 2006-13 be amended as follows:

That part 4, USE OF FUNDS, be amended to read as follows:

Proceeds from a Spearfish Economic Revolving Fund loan may be used for any of the following purposes:

- a. Land acquisition and related development.
- b. Building construction, acquisition, or related remodeling project which are determined to enhance economic growth or improve the economic vibrancy of the downtown Spearfish CC zoning district through fostering an attractive environment and preserving the architectural heritage of the downtown properties.
- c. Acquisition of equipment (excluding rolling stock) for use in the commercial or light industrial business of the applicant (with the exception of SERF BFR Loans).
- d. Promotion and enhancement of the Spearfish Industrial Park
- e. Granted or loaned to, or deposited with any community development fund recommended by the Spearfish Economic Development Corporation and approved by the Spearfish City Council.
- f. Operating capital.
- g. The refinancing of existing debt.

BE IT FURTHER RESOLVED that, except for the amendments herein, Resolutions Number 1992-16, 1993-10, 1997-20, 1998-23, 2001-22, and 2006-13 shall remain unaltered.

Dated this 1st day of August, 2011

CITY OF SPEARFISH

By: _____
Jerry A. Krambeck, Mayor

ATTEST:

By: _____
Dave Dutton, Finance Officer

Adopted: August 1, 2011
Published: August 12, 2011
Effective: September 1, 2011

Ordinance 1138 – Schmit moved, Baker seconded and all voted to approve the Second Reading of Ordinance 1138 – Alcohol.

CITY ADMINISTRATION

Premier Lease – Schmit moved, Geppert seconded and all voted to have the City Attorney prepare a lease agreement for the purpose of leasing the Premier Bankcard building to SEDC for the sum of \$1.00 and other considerations. The Premier building will go into the City's possession as of August 15, 2011.

Convention Center Taskforce – City Administrator Neeb provided an overview of the Convention Center Taskforce. It is recommended that Council authorize a feasibility study prior to any decisions being made.

LEGAL, FINANCE AND PUBLIC SAFETY

Downtown Friday Nights – Baker moved, Young seconded and all voted to approve street closure and Open Container Permit for DBA's Downtown Friday Nights – each Friday in the month of August and first two Fridays in September. Street closure requested for portions of Main from 2PM to 10PM. Request for Open Container Permit in the street closure area and acceptable walk routes from the Main Street establishments.

Special Malt Beverage Retailers License – Schmit moved, Morgan seconded and all voted to approve a Special Malt Beverage Retailers License for David Ritter of Horses to Harley's for the "Downtown Friday Nights" events on August 5th, 12th, 19th, 26th and September 2nd from 5 PM to 10 PM in the designated street closure area for the event.

Special Malt Beverage Retailers License – Young moved, Morgan seconded and all voted to approve a Special Malt Beverage Retailers License for Leland Ruzicka with B&B Lounge for the "Downtown Friday Nights" events on August 12th, 19th and 26th from 5 PM to 10 PM in the designated street closure area for the event.

Bill List – Morgan moved, Young seconded and all voted to approve the Bill List of August 1, 2011.

VENDOR

DESCRIPTION

AMOUNT

A&B BUSINESS INC	3 X COPIER LEASE & 6 X MAINT	\$	1,109.90
ABC BUSINESS SUPPLY	COPY PAPER/LABELS/TAPE/ORGANIZER	\$	294.75
ACE STEEL & RECYCLING INC	PIPE/PLATE/TUBE	\$	373.14
AINSWORTH-BENNING INC	PR#4-3 2011 MAIN ST UTILITIES	\$	5,187.60
AMCON DISTRIBUTING CO	CONCESSIONS	\$	3,218.67
APEX CONSTRUCTION LLC	PR#4 2011 REC PATH HYDRO LOOP	\$	40,754.87
ARGUS-HAZCO	H2S 25 CO 50 CH4	\$	248.97
BECK'S NURSERY CORP	SHRUB	\$	16.95
BLACK HILLS CHEMICAL CORP	TRASH LINERS/AEROSOL/SCRIM	\$	530.76
BLACK HILLS PIONEER	CLASS AD/REC CENTER MARKETING	\$	198.50
BLACK HILLS POWER & LIGHT	ELECTRICITY	\$	21,674.41
BLACK HILLS STATE UNIV	PROCESS UTILITY BILLS/NEWSLETTER	\$	1,994.88
BOMGAARS SUPPLY INC	RUBBER MATS/TOOLS/REPAIRS/PAINTG	\$	544.21
BRADY, PLUIMER PC	JUN 2011 LEGAL RETAINER & FEES	\$	4,278.25
BUTLER MACHINERY CO	REPAIR RUS CATERPILLAR	\$	692.25
BUTTE ELECTRIC COOP	ELECTRICITY	\$	48,121.92
C & H DISTRIBUTORS LLC	BUMPER POST SLEEVES	\$	106.01
CEDAR SHORE RESORT INC	LODGING-PAISLEY & HAFNER	\$	158.00
CENTURY BUSINESS PRODUCTS	2ND QTR 2011 MAINT/ANNUAL OVER 2011 COLO BLVD H2O PROJ & STUDY ENG	\$	1,226.61
CETEC ENGINEERING SERVICES	ENG	\$	2,846.80
CHAPMAN, MALCOM	SPEARFISH VISIONING ENGAGEMENT	\$	549.26
CLARK PRINTING CORP	CAMPGROUND MAPS/UTILITY BILLS	\$	1,791.45
DAKOTA BUSINESS CENTER	COPIER LEASE TERMINATION FEE	\$	1,300.00
DAKOTA PUMP INC	SEAL KIT	\$	1,224.74
DAKOTA SPORTS INC	LIFEGUARD SUITS	\$	362.05
DAKTRONICS INC	OUTDOOR SCOREBOARD	\$	6,373.00
DALE'S TIRE & RETREADING	TIRES	\$	304.00
FASTENAL CO	HARDWARE/TOOLS/PAINT/SAFETY	\$	549.96
FIRST WESTERN INSURANCE	SVFD VEHICLE ACCIDENT POLICY	\$	2,247.00
GARLICK, KRIS DEANN	AUG 2011 NEWSLETTER	\$	162.50
GOLZ CONSTRUCTION INC	PR#1 2011 PAVEMENT STRIPING	\$	18,131.93
GOULD, DONALD F	MODIFY TARP FOR DUMP TRUCK	\$	105.00
GRAINGER INC	LAMPS	\$	884.64
GREAT WESTERN TIRE INC	TIRES/TIRE REPAIR	\$	1,129.43
GRIMMS PUMP SERVICE	REPAIR SUMP @ SHOP/DETERGENT	\$	2,688.99
HAWKINS INC	ACID/AZONE/BLEACH/ALKALI	\$	6,027.98
HD SUPPLY WATERWORKS	LIDS/CURB BOXES/FLANGE/HYD EXT	\$	1,287.95
HEARTLAND PAPER CO	CLEANERS/TOWELS/FLOOR FINISH	\$	7,911.03
HEISLER HARDWARE	TOOLS/REPAIRS/GLOVES/PAINT	\$	2,743.00
HILLS MATERIALS CO	GRAVEL	\$	182.36
JENNER EQUIPMENT CO	SEALS/THERMOSTAT	\$	120.97
JOHN HENRY FOSTER	DOH ELEMENTS	\$	141.48

KAY PARK REC CORP	DOGGIE POO SACKS	\$	208.00
KMART	CAN OPENER/BLEACH/RAG	\$	35.94
KNOLOGY INC	AUG 2011 PHONES & INTERNET	\$	2,682.98
KONE INC	ELEVATOR REPAIR SERVICE	\$	506.48
KSLT-KLMP-KTPT	JUL-SEP 2011 REC CENTER ADS	\$	750.00
KT CONNECTIONS	REC CENTER NETWORK ADMIN	\$	70.00
LAZY B ENTERPRISES	CITY HALL RECYCLING SERVICES	\$	48.00
LIGHTING MAINT CONTRACTS	NEW EXIT 14 LIGHT/MAINT SERVICE	\$	799.75
LITTLE, VERLA	2011 BOOT ALLOWANCE	\$	70.00
MEREDITH SERVICES CO INC	BACKFILL WATER MAIN BREAK	\$	1,621.00
MES	BUNKERS	\$	749.32
METZGER-HOLCOMB ANIMAL	MONTHLY EUTHANASIA CONTRACT	\$	100.00
MIDWEST TURF & IRRIGATION	TRANSMITTER	\$	966.25
NEVE'S UNIFORMS INC	3XL JACKET/GLOVES	\$	186.09
NORMANDEAU ASSOCIATES INC	HYDRO FERC LICENSE SUPPORT	\$	2,827.50
OFFICE TECH & SUPPLY	LASER BUSINESS CARDS	\$	14.99
PRO WINDMILL INC	DEODORIZERS	\$	70.00
PETE LIEN & SONS INC	4K EXTERIOR	\$	170.50
PETTY CASH-WELLS FARGOBANK	POSTAGE/TRAVEL/FUEL/INTERVIEW	\$	169.42
PRAIRIE HILLS TRANSIT	MONTHLY FUEL ALLOCATION	\$	2,000.00
PUMPKIN BOOKS INC	BOOKS	\$	171.89
QUEEN CITY DOOR LLC	INSTALL 2 10' DOOR OPENERS	\$	1,326.53
QUIK SIGNS INC	REFLECTIVE SIGNS/SIGNS	\$	798.97
RANDOM HOUSE INC	CDs	\$	97.75
REC CENTER PETTY CASH	POSTAGE/REPAIR/SUM REC/CONC	\$	80.96
RECORDED BOOKS LLC	CDs	\$	247.80
SACRISON PAVING INC	ASPHALT PATCH-5TH AVE H2O BRK	\$	1,380.61
SAND CREEK PRINTING CORP	BUSINESS CARDS/STATEMENT FORMS	\$	513.10
SANITATION PRODUCTS INC	CURBTENDER ACTUATOR VALVE	\$	498.35
SHARKEY PLUMBING HEATING	GREEN ACRES SHOP REMODEL/URINAL	\$	1,273.45
SHERWIN WILLIAMS CO	STREET PAINT	\$	517.25
SOUTH DAKOTA STATE ARCHIVE	ARCHIVE QUEEN CITY MAIL	\$	28.80
SPEARFISH AUTO SUPPLY	TOOLS/FILTERS/OIL/REPAIRS	\$	2,223.63
SPEARFISH ELECTRIC & HEAT	STREET LIGHT REPAIRS/SERVICE	\$	1,909.06
SPEARFISH MOTORS INC	BRAKE REPAIR PD3	\$	1,252.66
SPEARFISH SENIOR SERVICE	MONTHLY ALLOCATION	\$	825.00
SPEARFISH TURF SYSTEMS	REPAIR COPPER 90/UNION/SPRINKLERS	\$	421.85
SPEARFISH VOLUNTEER FIRE	STATE SCHOOL TRAVEL/COMBAT TNG	\$	2,941.53
STADLER INDUSTRIAL SERVICE	WELD AIR TANK	\$	45.00
STATE RADIO COMMUNICATION	2ND HALF 2011 TELETYPE SERVICE	\$	3,000.00
SUMMIT SIGNS & SUPPLY	DIESEL DECALS	\$	7.50
SUPERIOR SANITATION LLC	CAMERA INSPECT SEWER LINES	\$	225.00
SYSCO FOOD SERVICES OF MT	CONCESSIONS	\$	5,312.57

THE ICEE CO	CONCESSIONS	\$	1,788.98
THE UPS STORE #5137	SHIPPING-HIVAC	\$	22.84
TITAN MACHINERY	FLASHER UNIT	\$	69.95
TYLER TECHNOLOGIES	2011 ANNUAL MAINT SUPPORT	\$	10,284.75
UNITED STATES POSTAL SERV	BULK PERMIT #59-UTILITY BILLS	\$	5,000.00
USA BLUE BOOK	GLASS FIBER FILTERS	\$	149.10
VAN NESS FELDMAN PC	HYDRO FERC LICENSE LEGAL FEES	\$	415.13
VIAMEDIA	REC CENTER INTERNET MARKETING	\$	569.00
VISIT SPEARFISH INC	AUG 2011 BID BOARD SUPPORT	\$	15,835.00
WALMART COMMUNITY/GEMB	OFFICE/JANITOR/CONCESS/MISC SPLY	\$	2,299.08
WASTE NOT RECYCLING LLC	RECYCLE WASTE TIRES	\$	352.50
WELLS FARGO BUSINESS CARD	CONF REGIST/TRAVEL/TOOLS	\$	4,168.64
WELLS PLUMBING CORP	PLUMBING SUPPLIES & REPAIRS	\$	90.04
	POWER SUPPLY/RADIO CONSOLE		
WESTERN COMMUNICATIONS	REPAIR	\$	445.50
WESTERN HILLS HUMANE SCTY	MONTHLY ALLOCATION	\$	1,900.00
WESTERN STATES FIRE PROT CO	ANNUAL SPRINKLER INSPECTION	\$	215.00
WHEELERS RV RESORT & CAMPG	2011 CAMPGROUND GUIDE	\$	300.00
WILLIAMS 66 SERVICE	SKID STEER TIRE REPAIR	\$	21.00
	2011 GILLETTE SEMINAR-		
WYOMING CONF BUILD OFFICIALS	PAISLEY/HAFNER	\$	300.00
** TOTAL **		\$	273,168.16

Jul 2011 Salary Expense - Bill List 08/01/11

	Gross Wages/Benefits	
Mayor/Council	\$ 10,193.04	1.38%
City Administrator	12,466.49	1.69%
Finance	14,575.56	1.97%
Human Resources	5,543.03	0.75%
Gov't Bldgs	14,973.94	2.03%
PW Admin	26,199.21	3.55%
Police	131,206.79	17.75%
Police Comm	28,709.32	3.88%
Fire	-	0.00%
Bldg Inspect	14,341.76	1.94%
Streets	28,678.50	3.88%
Snow Removal	-	0.00%
Storm Water	2,457.88	0.33%
Cemetery	14,255.13	1.93%
Animal Control	3,873.34	0.52%
Recreation/Aquatic	150,148.70	20.32%
Spectator Recreation	9,527.46	1.29%
Parks	34,141.25	4.62%
Library	26,493.66	3.58%
Plan & Zone	12,543.61	1.70%
Motor Pool	16,691.93	2.26%
Water	36,838.24	4.98%

Electric Production	18,636.06	2.52%
Sewer	33,662.82	4.55%
WWTP	42,099.74	5.70%
Parking	700.15	0.09%
Solid Waste	34,616.87	4.68%
Campground	15,461.02	2.09%
Totals	<u>\$ 739,035.50</u>	<u>100.00%</u>

APPROVAL

INITIALS

Mayor Krambeck

Don Aaker

David Baker

Travis Geppert

Mary Morgan

Doug Schmit

Paul Young

Growth Visioning Workshop – City Administrator Neeb provided an overview of the Growth Visioning Workshop that took place at the Holiday Inn Convention Center on July 28th. The workshop was well attended with representatives from many business and stakeholders in the community. Several good ideas were presented and plans are to have a workshop annually, preferably in the earlier part of the year.

Meeting Reminders -

- August 4, 2011 – 6PM – Budget Meeting - Long Term Capital
- August 8, 2011 – 6PM – Budget Meeting – Subsidies and Other
- August 16, 2011 – 6PM – Budget Meeting – General Fund
- August 18, 2011 – 6PM – Budget Meeting - Final Draft

There being no further business before the Council, Young moved, Morgan seconded and all voted to adjourn at 8:01 PM.

Dated this 1st day of August, 2011.

CITY OF SPEARFISH

BY: _____
Jerry A. Krambeck, Mayor

David H. Dutton, Finance Officer

Published once at the approximate cost of _____.